

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Presubscribed Interexchange Carrier Charges

CC Docket No. 02-53

EMERGENCY PETITION FOR WAIVER

The Verizon telephone companies¹ respectfully request a limited waiver to extend the deadline for full compliance with the Commission's *PIC Change Charge Order*² for two months. Verizon filed tariffs a month early to bifurcate the presubscribed interexchange carrier ("PIC") change charge into separate charges for manual changes and electronic changes as required by the order. However, Verizon needs additional time to implement the required 50 percent discount when a customer changes the PIC and the intraLATA primary interexchange carrier ("LPIC") at the same time. Since Verizon's current bifurcated rates are well below the safe harbors for stand-alone PIC changes, this short delay will not harm consumers.

The *PIC Change Charge Order* required both rate level and rate structure changes to the PIC change charge, which for many years had been a single rate with a \$5.00 maximum safe

¹ The Verizon telephone companies are local exchange carriers affiliated with Verizon Communications Inc., listed in Attachment A.

² *Presubscribed Interexchange Carrier Charges*, Report and Order, CC Docket No. 02-53, FCC 05-32, (rel. Feb. 17, 2005) ("*PIC Change Charge Order*"). On April 8, 2005, the Wireline Competition Bureau extended the deadline for filing tariffs to comply with the *PIC Change Charge Order* to October 17, 2005, for effect on November 1, 2005. See *Presubscribed Interexchange Carrier Charges*, Order, CC Docket No. 02-53, DA 05-1045, ¶ 4 (rel. Apr. 8, 2005) ("*PIC Change Charge Extension Order*"). If the Commission granted Verizon's waiver

harbor. Among other things, the order required the local exchange carriers (“LECs”) to (1) bifurcate the PIC change charge into a manual charge with a maximum safe harbor of \$5.50 and an electronic charge with a maximum safe harbor of \$1.25; and (2) charge only half the manual or electronic PIC change charge when a customer changes both the PIC and the LPIC at the same time.³

On April 8, 2005, the Wireline Competition Bureau extended the deadline for filing tariffs to comply with the order, finding that the LECs had shown that additional time was necessary to make changes to their billing and operating systems to implement the requirements of the order.⁴ The Bureau required the carriers to file tariffs by October 17, 2005, for effect on November 1, 2005.⁵

Verizon was able to implement the bifurcated rates earlier than the deadline, filing tariffs on September 16, 2005 for effect on October 1, 2005.⁶ In those tariffs, Verizon established a manual PIC change charge of \$4.25, and an electronic PIC change charge of \$1.00, well below the \$5.50 and \$1.25 safe harbors established in the *PIC Change Charge Order*, but with no discount for PIC changes made simultaneously with LPIC changes. At the time that the tariffs were filed, Verizon had not yet completed the changes to the billing and ordering systems needed

request, the deadline for filing tariffs would be extended to December 17, 2005, for effect on January 1, 2006.

³ These two changes create four PIC change charges: a full manual PIC change charge, a full electronic PIC change charge, a one-half manual PIC change charge, and a one-half electronic PIC change charge.

⁴ See *PIC Change Charge Extension Order*, ¶ 3.

⁵ See *id.*, ¶ 4.

⁶ See Verizon telephone companies, Tariff FCC Nos. 1, 11, 14, 16, Transmittal No. 623 (filed Sep. 16, 2005).

to reduce the PIC change charge by 50 percent when a customer makes a PIC change and an LPIC change in the same order.

Verizon estimates that it will take an additional two months beyond the current November 1 deadline to complete the changes necessary to implement the 50 percent discount. Verizon will need this amount of time to make software changes to its billing and ordering systems and to notify customers, to adopt new methods and procedures, and to train service representatives to administer the charges. The biggest time constraint is the requirement for software changes. Verizon groups software changes in releases that go into production in even-numbered months. The next software release in which the 50 percent discount can be included is scheduled for the later part of December.

For these reasons, Verizon requests that the Commission grant Verizon a limited waiver to allow an additional two months from the current deadline to implement the 50 percent discount. This short delay will not harm consumers, as Verizon's current bifurcated PIC rates are below the safe harbors for stand-alone PIC changes, which somewhat offsets the lack of a 50 percent discount for PIC/LPIC changes. If the Commission grants a waiver, Verizon would file tariffs, for effect no later than January 1, 2006, to implement the 50 percent discount and to raise the rates to the \$5.50 and \$1.25 safe harbor levels.

The Commission's rules provide that a waiver may be granted "for good cause shown."⁷ The waiver process provides "a safety valve procedure for consideration of an application for exemption based on special circumstances."⁸ Verizon has shown such special circumstances in

⁷ 47 C.F.R. §1.3 (2005).

⁸ *Wait Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).


this case. Verizon provided most of the consumer benefits of the *PIC Change Charge Order* by filing tariffs as soon as it was ready to implement bifurcated rates, and with rates well below the safe harbors for stand-alone PIC changes. However, it will take additional time for Verizon to implement the rest of the order's requirements. This was a reasonable approach that provided customers with most of the benefits of the order as soon as possible.

Conclusion

For the foregoing reasons, the Commission should grant the Verizon telephone companies a limited waiver to extend the deadline for full compliance with the Commission's *PIC Change Charge Order* for two months.

Respectfully submitted,

Of Counsel
Michael E. Glover

By: 
Edward Shakin
Joseph DiBella

1515 North Court House Road
Suite 500
Arlington, VA 22201-2909
(703) 351-3037

Attorneys for the Verizon
telephone companies

Dated: October 13, 2005

THE VERIZON TELEPHONE COMPANIES

The Verizon telephone companies are the local exchange carriers affiliated with Verizon Communications Inc. These are:

Contel of the South, Inc. d/b/a Verizon Mid-States
GTE Southwest Incorporated d/b/a Verizon Southwest
Verizon California Inc.
Verizon Delaware Inc.
Verizon Florida Inc.
Verizon Maryland Inc.
Verizon New England Inc.
Verizon New Jersey Inc.
Verizon New York Inc.
Verizon North Inc.
Verizon Northwest Inc.
Verizon Pennsylvania Inc.
Verizon South Inc.
Verizon Virginia Inc.
Verizon Washington, DC Inc.
Verizon West Coast Inc.
Verizon West Virginia Inc.